

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

5.1 URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chief Executive and the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting. Any Emergency Contract Decisions, which are ratified by Cabinet, are also reported for information only.
2. Since last reported, the following decisions have been made using urgency rules:

Date of Decision	Nature of Decision	Decision-Maker
4 July 2013	Libraries Programme 2013/14 - Botwell Leisure Complex air conditioning tender acceptance and capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
12 July 2013	Library Refurbishment Programme 2013/14 – Harlington Library – Capital Release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
23 July 2013	Primary Schools Capital Programme Phase 2 - Rabbsfarm Primary School / Chantry Special School - delegated award of building contracts and capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
25 July 2013	Contract Hire of Winter Maintenance Vehicles	Cabinet (Urgency decision to waive call-in period)
25 July 2013	HRA Works to Stock 2013/14 - Urgent Council House adaptations – capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
5 August 2013	Micro-surfacing incorporating slurry surfacing works 2013/14	Leader of the Council and Cabinet Member for Planning, Transportation & Recycling (Special Urgency and delegated authority from Cabinet)
6 August 2013	HRA works to stock - communal boilers – capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)
6 August 2013	Environmental Asset Budget - Ruislip Lido Enhancement Project – capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency)

Date of Decision	Nature of Decision	Decision-Maker
20 August 2013	Purchase of Kitchen Caddies for a Resident Food Waste Recycling Service	Leader of the Council and Chief Executive (Emergency Contract Decision to be reported to Cabinet on 25 September 2013)
21 August 2013	Library Refurbishment Programme Oak Farm & Yeading Libraries - additional funding & capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Urgency decision to waive call-in period)
21 August 2013	Primary Schools Capital Programme Phase 3 - Lake Farm & St. Andrew's Park (formally RAF Uxbridge) Primary Schools = delegated award of building contracts and capital release	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency and delegated authority from Cabinet)
22 August 2013	Development of a Direct Labour Organisation	Leader of the Council and Cabinet Member for Finance, Property & Business Services (Special Urgency and delegated authority from Cabinet)

BACKGROUND PAPERS: None

5.2 SCHEME OF MEMBERS' ALLOWANCES 2013/14

1. The current Scheme of Members' Allowances was adopted by Council at the meeting in February 2013 after giving due regard to the recommendations made by the report of the Independent Panel on the Remuneration of Councillors in London.
2. At that time no changes to the Scheme were made. However, in previous years Council has delegated authority to the Head of Democratic Services to increase the level of allowances in line with the annual pay award to staff, when agreed. At the time of adopting the scheme it was unclear if there was to be a pay award in 2013/14.
3. Subsequently a 1% pay award has been agreed for officers on main grades (excluding Chief Officers), lecturers and craft workers. Accordingly, in line with this award, it is proposed that an increase of 1% be applied to the level of the Basic Allowance only, backdated to April 1 2013. This will increase the level of the Basic Allowance from £10,481.53 to **£10,586.35** per annum. No changes are proposed to the level of the Special Responsibility Allowances.

RECOMMENDATION: That the Basic Allowance paid to Members as a part of the current Members' Allowances Scheme be increased by 1% as of 1 April 2013 and the Head of Democratic Services be authorised to amend the Scheme accordingly.

FINANCIAL IMPLICATIONS

3. Provision has been made in the 2013/14 budget for Members' Allowances for a potential 1% increase.

LEGAL IMPLICATIONS

4. Before making or amending its allowances scheme, the Council is required, by virtue of Regulation 19, to have regard to the recommendations of an Independent Remuneration Panel. As indicated above, the latest recommendations made by the Panel in April 2010 have been taken into account when making these recommendations.

Background Papers: none

5.3 PROGRAMME OF MEETINGS 2013/14

1. The annual programme of meetings was approved by Council in January and was based upon the premise that the Borough elections would be held on Thursday 1 May 2014.
2. Members will be aware that the Government has signaled its intention to move the date of the local elections to 22 May 2014 so that they can be held at the same time as the European Parliamentary elections which themselves have been moved to that date from 4 June.
3. Once this change in date is confirmed it will necessitate an alteration to the Council's programme of meetings
 - i) **Annual Council** – it is recommended that this be moved from its current date of 8 May to **Thursday 5 June** allowing two weeks after the election date to ensure all the Committee appointments and other administration associated with a new Council is completed. This will also mean that the current Mayor's term of office will be extended to that date.
 - ii) **Other meetings** – there are a number of other meetings (below) which would also potentially be affected:
 - Whips' Committee – 6 May (will move with the AGM)
 - North Planning Committee– 7 & 29 May
 - Major Applications Planning Committee – 7,14 & 29 May
 - Central & South Planning Committee– 14 May
 - Cabinet Member Petition hearing – 21 May
 - Cabinet – 22 May
 - Executive Scrutiny Committee – 22 May
 - Licensing Sub-North – 23 May
 - Corporate Services POC – 27 May
 - Residents and Environmental Services POC – 28 May

It is recommended that the Whips' Committee be instructed to consider which of these meetings should be cancelled and that the Programme of Meetings 2014/15, to be approved by Council in January, include a revised programme for May 2014.

RECOMMENDATION: That, subject to confirmation that the date of the local elections will be moved to 22 May 2014:

- a) the Annual Council meeting (and associated Whips' Committee) be re-scheduled as indicated in paragraph 3 (i) above and
- b) The Whips Committee be asked to consider the re-scheduling of the remaining meetings in May 2014 as a part of the Programme of Meetings 2014/15 to be considered by Council in January 2014.

Background Papers: none

5.4 AMENDMENTS TO THE COUNCIL CONSTITUTION

i) Employment matters in relation to Chief Officers on National Conditions of Service

1. The Council's Constitution in respect of employment matters relating to Chief Officers has not been reviewed for some time and contains anomalies which are no longer truly reflective of Hillingdon's status and operation as a modern local authority.
2. Constitutionally, "Chief Officers" are those who report to the Chief Executive and "Deputy Chief Officers" are those who report to Chief Officers. Traditionally, these have invariably been Corporate Directors and Deputy Directors / Heads of Service. All officers at these levels are appointed through the Appointments Committee or Appointments Sub-Committee.
3. From an employment perspective, the term "Chief Officer" has a much broader scope and relates to those officers, whose posts have been evaluated using the LGE senior manager evaluation scheme, as being of sufficient seniority to warrant being employed on the Joint Negotiating Committee (JNC) for Chief Officers National Conditions of Service. As a result a number of officers who sit below Deputy Director / Head of Service level are employed on these terms and conditions.
4. The JNC terms and conditions contain a model procedure for matters relating to disciplinary, capability and redundancy for Chief Officers employed on those terms. The London Borough of Hillingdon has adopted that policy and this is now within the employment contracts of those officers. This procedure includes a provision that Elected Members are involved in hearings linked to these employment matters. Whilst this is entirely appropriate for Chief Officers / Deputy Chief Officers appointed through the democratic Appointments Committee and Sub-Committee processes, it is not necessary for those below the constitutional definition of Deputy Chief Officer, for whom all other employment matters are already delegated to Officers.
5. The JNC terms and condition for Chief Officers allows employing local authorities to adopt their own version of these procedures and therefore a change to this is recommended.

6. It is therefore proposed that:
- a) The Appointments Committee continues to undertake the appointment of Chief Officers (Deputy Chief Executive, Corporate Director and Director level)
 - b) The Appointments Sub-Committee continues to undertake the appointment of Deputy Chief Officers (Deputy Director / Head of Service level) and any other appointments as deemed necessary by the Leader in conjunction with the Chief Executive as Head of Paid Service,
 - c) The Registration & Appeals Committee no longer hears disciplinary and capability issues and appeals in relation to the dismissal of any officer;
 - d) The Investigating & Disciplinary, Grievance and Appeals Sub-Committees' Terms of Reference are clarified so that these sub-committees only apply to matters relating to Chief Officers and Deputy Chief Officers, but not all of those Chief Officers below this level on JNC National Conditions of Service.
 - e) The Officer Employment Procedure Rules set out in the Constitution be amended to make it clear that the function of appointment and dismissal of, and taking disciplinary action against, all Council staff below Deputy Chief Officer level (including those staff below Deputy Chief Officer level on JNC National Conditions of Service) be delegated to the Council's Chief Executive or an officer nominated by him or her.
7. Human Resources will undertake the necessary consultations with relevant officers on their Conditions of Service and agree with the Chief Executive any new employment procedures below Deputy Chief Officer level that need to be put in place.
8. The effect of the constitutional changes proposed is below Deputy Chief Officer level. No constitutional change is being proposed to employment procedures of Chief Officers or Deputy Chief Officers.

RECOMMENDATIONS: That,

- a) **subject to the necessary staff consultations being concluded in favour of the changes to the Constitution as outlined in paragraphs 6 a) to e) above, the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to amend the appropriate sections of the Constitution including:**
 1. **the Officer Employment Procedure Rules (Schedule F);**
 2. **the Terms of Reference of the Appointments Committee and Sub-Committee (Article 8);**
 3. **the Terms of Reference of the Registration & Appeals Committee (Article 8);**
- b) **the Members of the Registration & Appeals Committee be requested to authorise the Head of Democratic Services, in consultation with the**

Leader of the Council and the Chairman of the Committee, to make the necessary changes to the Terms of References of the Investigating and Disciplinary, Grievance and Appeals Sub-Committees.

Background Papers: none

ii) Health and Wellbeing Board Terms of Reference & Membership

Members will recall that, at Annual Council on 9 May 2013, the new Health and Wellbeing Board was formally approved as a Committee of the Council. The Council is required to consult the Health and Wellbeing Board on its membership and voting rights before being formally agreed and this consultation took place at the first Board meeting held on 11 July 2013. The Board welcomed the Terms of Reference and membership arrangements and has suggested that the following changes be recommended to Council for approval:

1. Ensuring adequate representation: the Board believes that it would be prudent to appoint named substitutes for the Statutory Non-Voting Members as well as for the Co-opted Non-Voting Members. It is recommended that the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to agree the names of these substitute members upon nomination by the relevant organisation. The proposed Board membership can be found at Appendix 1.
2. Deputy Chief Executive and Corporate Director of Residents Services: The Board, at its meeting on 11 July 2013, proposed that this Chief Officer who has a significant corporate and resident facing remit across a whole range of Borough-wide services (including public health), be appointed as a Co-opted Voting Member.
3. Task & Finish Groups: to enable the Board to undertake its duties flexibly and to the best of its ability, it is proposed that it be able to establish task and finish working groups as well as more formal sub-committees. The quorum of these task and finish groups should be set as 50% of their membership or 3 members (whichever is the greater). The Board's Terms of Reference have been amended accordingly and attached for approval at Appendix 2 (the amendments are highlighted in red).

RECOMMENDATIONS: That, following consultation with the Health & Wellbeing Board:

- a) the revised membership arrangements, as set out in Appendix 1 be approved;
- b) the amended Terms of Reference, as set out in Appendix 2 be approved; and
- c) the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to agree the names of any substitutes on the Board upon nomination from the relevant organisation.

Background Papers: none

HEALTH AND WELLBEING BOARD MEMBERSHIP

subject to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Organisation	Name of Member	Substitute
STATUTORY MEMBERS (VOTING)		
Chairman	Councillor Puddifoot	Any Elected Member
Vice-Chairman	Councillor Corthorne	Any Elected Member
Cabinet Members	Councillor Simmonds	Any Elected Member
	Councillor Mills	Any Elected Member
	Councillor Bianco	Any Elected Member
	Councillor Burrows	Any Elected Member
	Councillor Seaman-Digby	Any Elected Member
Healthwatch Hillingdon	Mr Jeff Maslen	Mr Stephen Otter
Clinical Commissioning Group	Dr Ian Goodman	Dr Tom Davies
STATUTORY MEMBERS (NON-VOTING)		
Statutory Director of Adult Social Services	Tony Zaman	Nick Ellender
Statutory Director of Children's Services	Merlin Joseph	Tom Murphy
Statutory Director of Public Health	Sharon Daye	Shikha Sharma
CO-OPTED MEMBERS (VOTING)		
LBH	Jean Palmer	N/A
CO-OPTED MEMBERS (NON-VOTING)		
The Hillingdon Hospitals NHS Foundation Trust	Mr Shane DeGaris	Mr Mike Robinson
Central and North West London NHS Foundation Trust	Ms Robyn Doran	Ms Maria O'Brien
Royal Brompton and Harefield NHS Foundation Trust	Mr Robert J Bell	Mr Nick Hunt
LBH	Nigel Dicker	N/A
Clinical Commissioning Group (Officer)	Ceri Jacob	TBC
Clinical Commissioning Group (Clinician)	TBC	TBC

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

(a) Introduction

In accordance with the Health and Social Care Act 2012 and any subsequent related legislation, the Health and Wellbeing Board will seek to improve the quality of life of the local population and provide high-level collaboration between the Council, NHS and other agencies to develop and oversee the strategy and commissioning of local health services.

The Board will operate as a Committee of the Council in accordance with the Committee Standing Orders and Access to Information Procedure Rules set out in this Constitution.

The core functions of the Board are not executive functions and are not therefore subject to any scrutiny call-in procedure.

The Board will seek to comply with its duties under the Equality Act 2013, Freedom of Information Act 2000 and the Data Protection Act 1998.

(b) Membership

Statutory Members

The Chairman of the Board shall be the Leader of the Council. The Vice-Chairman of the Board shall be the Cabinet Member for Social Services, Health & Housing.

Other Statutory Members that may attend meetings are:

- 1) Cabinet Members from the London Borough of Hillingdon
- 2) A representative from the Clinical Commissioning Group covering Hillingdon
- 3) A representative from Healthwatch Hillingdon
- 4) Statutory Director of Adult Social Services
- 5) Statutory Director of Children's Services
- 6) Statutory Director of Public Health

Political Balance

There is no requirement to have all political groups within the Council represented on the Board.

Substitutes for Statutory Members

Cabinet Members may nominate any other Elected Member of the Council as a substitute. Other Statutory Members of the Board must nominate a single individual who will substitute for them and have the authority to make decisions in the event that they are unable to attend a meeting.

Co-opted Members

From time to time and upon the agreement of the Board other individuals or representatives may attend Board meetings as Co-opted Members. Co-opted Members may ~~not send substitutes~~ *nominate a single, named individual who may substitute for them in the event that they are unable to attend a meeting*, e.g. representatives of local NHS Hospitals or Trusts.

Voting rights

Voting rights will apply to the following Statutory Members:

- All Elected Members of the Council on the Board;
- The representative from the Clinical Commissioning Group covering Hillingdon; and
- The representative from Healthwatch Hillingdon.

Voting rights will apply to the following Co-opted Member:

- *The Deputy Chief Executive and Corporate Director of Residents Services.*

Subject to consultation with the Board, the Council may then direct whether or not voting rights apply to any other Statutory Member or Co-opted Member.

Code of Conduct

All voting Members of the Health and Wellbeing Board will be bound by the Council's Code of Conduct for Members, as adopted.

(c) Sub-Committees *and Working Groups*

The Board may establish and appoint to sub-committees *and working groups*. The Board may delegate any of its functions to sub-committees *or working groups* or request them to undertake task and finish reviews or project work in the pursuit of the Board's goals.

Members of a sub-committee *or working group* may be a Statutory or Co-opted Member of the Board or any Elected Member of the London Borough of Hillingdon. *Additional members of a sub-committee or working group will be agreed by the Board.*

Sub-committees *and working groups* will cease to exist upon a decision by the Board.

(d) Terms of Reference

1. To fulfil statutory requirements to improve the health and wellbeing of the local population, specifically to:
 - (a) Lead on the duty to assess and publish information about the needs of the local population (joint strategic needs assessment (JSNA));

- (b) Deliver the duty to prepare and publish a Joint Health and Wellbeing strategy based on the JSNA, to consider Health and Social Care Act flexibilities in developing the strategy and involve local residents and others as appropriate;
 - (c) Promote integrated and partnership working across areas, including through the promotion of joined up commissioning plans across the NHS, social care and public health; and
 - (d) Support, be involved in and provide opinion on joint commissioning plans and the review of how well the Health and Wellbeing strategy is meeting needs. This includes providing an opinion on how well the Clinical Commissioning Group (CCG) contributes to the delivery of the joint Health and Wellbeing strategy.
2. To be responsible for:
- (a) Providing leadership in developing a strategic approach for health and wellbeing in Hillingdon;
 - (b) Developing the statutory Health and Wellbeing Strategy;
 - (c) Ensuring that the Health and Wellbeing Strategy is informed and underpinned by the JSNA and is focused upon:
 - Improving the health and wellbeing of the residents of Hillingdon;
 - The continuous improvement of health and social care services;
 - The reduction of health inequalities;
 - The involvement of service users and patients in service design and monitoring; and
 - Integrated working across health and social care where this would improve quality;
 - (d) Reviewing performance on delivering the Health and Wellbeing Strategy and other key strategic targets;
 - (e) Holding partner agencies to account for performance on agreed priorities in conjunction with the External Services Scrutiny Committee;
 - (f) Influencing and approving the Clinical Commissioning Group (CCG) commissioning plan and annual update;
 - (g) Collaborative working to develop social care and health related commissioning plans to improve the health and wellbeing of residents of the Borough and monitor implementation and performance;
 - (h) Monitoring the performance of Public Health and reviewing services in conjunction with the External Services Scrutiny Committee; and
 - (i) Reviewing the Terms of Reference and operation of the Board regularly, making recommendations to Council as required.

HEALTH AND WELLBEING BOARD STANDING ORDERS

These Committee Standing Orders apply to the Health and Wellbeing Board set out in Article 8 of the Constitution, with the following exceptions to these rules taking precedence at any time:

1. Any speaking rights for Elected Members who are not Members of the Board do not apply to meetings of the Board or any of its sub-committees *or working groups*.
2. A Quorum of the Board shall be 50% of its statutory membership. ~~This will also apply to any sub-committees of the Board.~~—*A Quorum of any sub-committees or working groups of the Board shall be 50% of their membership or 3 members (whichever is the greater).*
3. Any meeting of the Board may establish and appoint to its sub-committees *or working groups*.
4. Upon any recommendations from the Board, Statutory Membership will be approved by full Council.
5. Upon request from an organisation, approval of any appointments to the Board as a non-statutory Co-opted Member will be agreed by the Board, in consultation with the Chairman and the Head of Democratic Services.
6. Decisions shall be made on the basis of a vote and show of hands of a majority of members present. Subject to the vote being tied, the Chairman will have a second or casting vote.
7. The Board and any sub-committees *or working groups* shall meet as required, with the agreement of the Chairman and/or in the circumstances where the Chairman receives a request in writing by more than 50% of the Statutory Members of the Board.